

MEMORANDUM FOR: C/Mgt. Staff *OK*

Gene,

No one besides Mr. Proctor has seen this, so I would appreciate getting this copy back along with your response to Mr. Proctor's attached request.

Thanks,

*Should Jack
do this for Ed*

12 May 1975

(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)

9 June 1975

MEMORANDUM FOR: Deputy Director for Intelligence

SUBJECT : Synopsis of DCI's Memorandum to D/OMB
Re Proposed Legislation

1. The Agency has forwarded to OMB a draft of proposed legislation which would provide for legal sanctions to more effectively protect intelligence sources and methods.

2. The proposal spells out existing legislation in this area, which has been largely ineffective, as well as the difficulties we have encountered since 1947 because of this lack of statutory remedies. The proposed new legislation would close this gap somewhat, enabling the Agency to carry out a foreign intelligence program without imperiling the traditional American standards of freedom of information and protection of individual rights.

3. The memorandum to OMB refers to the number of incidents in recent times when serious damage to our foreign intelligence effort resulted because of unauthorized disclosures of information relating to intelligence sources and methods. In every instance, the circumstances of those disclosures precluded punitive criminal action. (Under existing legislation criminal prosecution is only possible when there have been unauthorized disclosures in the Comint and Restricted Data areas.)

4. The new legislation proposed by the Agency would amend Section 102 of the National Security Act of 1947. In essence, it calls for:

a. Information relating to sources and methods will be accorded statutory recognition and protection similar to that provided Restricted Data under the Atomic Energy Act.

b. The DCI and other Agency heads authorized by law, or the President, to engage in intelligence activities for the U.S. Government will be authorized to limit the dissemination of information relating to intelligence sources and methods of collection.

c. A criminal penalty will be provided if there is a disclosure of such information to unauthorized persons. Similarly, injunctive relief will be provided.

d. This new legislation will be aimed solely at persons enjoying a privacy of relationship with the U.S. Government.

e. The new procedure will entail an in camera review by the court to decide, as a question of law, the validity of the designation for limited distribution. This process should provide adequate safeguards for the accused and prevent damaging disclosures during the course of the prosecution.

5. The back-up material forwarded with the proposed legislation explains the proposal in detail. It contains no surprises. The thrust is that we are asking for the minimal statutory authority which will allow the DCI to effectively fulfill his responsibilities to protect intelligence sources and methods.

DDI Security Officer

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